

THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition (M/S) No. 1213 of 2006.

Smt. Hema Panu W/O Sri Mahendra Singh Panu, Village & Post
Gularbhoj, District Udham Singh Nagar.

... Petitioner.

Vs.

1. State of Uttaranchal, through Secretary, Education Department,
Government of Uttaranchal at Dehradun.
2. Director of Education Uttaranchal, Dehradun.
3. Principal District Institute of Education and Training Rudrapur,
District Udham Singh Nagar.
4. National Council for Teachers Education, New Delhi through its
Secretary.

...Respondents.

Sri D.S.Mehta, Advocate, learned counsel for the petitioner.

Sri J.P.Joshi, Learned Standing Counsel for the respondents-State.

Sri Sudhir Singh, Advocate, learned counsel for the respondent no.4.

Date September 04, 2006.

P.C.: Hon'ble B.S. Verma, J.

Heard learned counsel for both the parties and perused the
record.

By means of this writ petition, the petitioner has prayed
for issue a writ, order or direction in the nature of mandamus
commanding the respondents to consider application of the petitioner
for training of Special B.T.C. Course in the district of Udham Singh
Nagar.

According to the petitioner, she has passed graduation
from Kumaun University Nainital in the year 1985 in Hindi Literature,
Education and Sociology and also obtained degree of Shiksha
Visharad from Hindi Sahitya Sammelan Allahabad in the year 1994,
which is said to be equivalent to B.Ed. and, therefore, the petitioner
was fully eligible to be considered for appointment as Assistant

Teacher under the U.P. Education Act 1972. In pursuance to the advertisement dated 9-7-2006 published in Dainik Jagran by the respondents, applications were invited for appointment on the vacant post of Assistant Teachers in primary school situated in Uttaranchal including district Udham Singh Nagar and conducting Special B.T.C. Training for the same. The petitioner applied for the said training on prescribed format on 31-7-2006 but the candidature of the petitioner has been denied on the ground that she was possessing Shiksha Visharad from Hindi Sahitya Sammellan Allahabad, which does not make her eligible for the said course. The petitioner has come with the present writ petition on the ground that many other candidates on the same footing have got relief from this Court.

In the course of argument, the learned counsel for the petitioner made a reference to the order of this Court dated 19-06-2006 whereby ***Writ Petition No. 51(SS) of 2005 Munni Upreti Vs. State of Uttaranchal and others*** along with many other cases was disposed of and submitted that this writ petition may also be decided on the same analogy. The learned counsel for the respondents have conceded to this fact that this Court has already decided a number of writ petitions by the order dated 19-6-2006. It has not been disputed that the case of the petitioner is on the same footing.

I have gone through the order dated 19-6-2006 passed by this Court vis-à-vis the facts and circumstances of the case at hand. In that case, the matter has been dealt with in detail by this Court and it was ultimately held in the earlier cases *that “Subject to the restrictions imposed by the National Council for Teacher Education Act, 1993, petitioners have obtained the degree of Shiksha Visharad before the year, 1995 are entitled to be considered for special B.T.C. provided the recognition and verification is obtained from the concerned University/State Govt. or the institution concerned regarding their concerned degree.”* The writ petitions were allowed subject to said verification. The petitioners in the earlier writ petitions had passed the degree of Shiksha Visharad from Hindi Sahitya Sammelan Allahabad

before 1995 and the present petitioner has also passed the same degree in the year 1994. The case at hand is almost identical. It will be in the fitness of things to decide the present case in terms of the earlier order dated 19-6-2006.

The present writ petition is allowed on merit in terms of the order dated 19-6-2006 passed in Writ Petition (SS) No. 51 of 2005 to the effect that subject to the restrictions imposed by the National Council for Teacher Education Act, 1993, petitioner having obtained the degree of Shiksha Visharad before the year, 1995 is entitled to be considered for special B.T.C. provided the recognition and verification is obtained from the concerned University/State Govt. or the institution concerned regarding her Shiksha Visharad degree. No order as to costs.

(B.S. Verma, J.)

RCP